APPENDIX

AN ACT RELATING TO VISUAL CARE; DEFINING TERMS; PROHIBITING DISHONEST AND DANGEROUS PRACTICES IN THE SALE OF OPTICAL GOODS AND DEVICES; PROHIBITING DISCRIMINATION; MAKING THE ACT CUMULATIVE TO OTHER LAWS; MAKING VIOLATION OF ACT MISDEMEANOR; AUTHORIZING INJUNCTION AGAINST VIOLATORS.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. It is the public policy of the State of Oklahoma that the citizens of Oklahoma shall receive the best possible visual care, through the efforts of well trained and qualified physicians licensed under Chapter 11, Title 59, Oklahoma Statutes and optometrists licensed under Chapter 13, of Title 59, Oklahoma Statutes and that no unqualified person shall be permitted to visually correct for compensation the eyes of another.

SECTION 2. It shall be unlawful for any person, firm, corporation, company, or partnership not licensed under the provisions of Chapter 11 or Chapter 13 of Title 59, Oklahoma Statutes 1951,

to fit, adjust, adapt or to in any manner apply lenses, frames, prisms, or any other optical appliances to the face of a person, or

to duplicate or attempt to duplicate, or to place or replace into the frames, any lenses or other optical appliances which have been prescribed, fitted, or adjusted for visual correction, or which are intended to aid human vision or

to give any treatment or training designed to aid human vision, or

to represent or hold himself out to the public as being qualified to do any of the acts listed in this Section,

except that persons licensed under the provisions of Chapters 11 or 13 of Title 59, Oklahoma Statutes 1951 may in a written prescription, or its duplicate, authorize any optical supplier to interpret such prescription, and who in accordance therewith

may measure, adapt, fit, prepare, dispense, or adjust such lenses, spectacles, eye glasses, prisms, tinted lenses, frames or appurtenances thereto, to the human face for the aid or correction of visual or ocular anomalies of the human eye; and

may continue to do the said acts on the aforesaid written prescription, or its duplicate,

provided, however, that the physician or optometrist writing such prescription shall remain responsible for the full effect of the appliances so furnished by such other person. Provided that this Section shall not prevent a qualified person from making repairs to eye glasses.

SECTION 3. It shall be unlawful for any person, firm company, corporation or partnership

to solicit the sale of spectacles, eye glasses, lenses, frames, mountings, prisms or any other optical appliances or devices, eye examinations or visual services, by radio, window display, television, telephone directory display advertisement, or by any other means of advertisement;

or

to use any other method or means of baiting, persuading, or enticing the public into buying spectacles, eye

glasses, lenses, frames, mountings, prisms, or other optical appliances for visual correction.

Provided, however, that the provisions of this Act shall not render any newspaper or other advertising media liable for publishing any advertising furnished them by a vendor of said commodity or material;

Nor shall anything in this Act prevent ethical education publicity or advertising by legally qualified health groups that does not violate presently existing laws of Oklahoma, nor prevent the proper use of ethical, professional notices. Nothing in this Act shall prohibit the sale of ready-to-wear glasses equipped with convexspherical lenses nor sunglasses equipped with plano lenses nor industrial glasses and goggles with plano lenses used for industrial eye protection when sold as merchandise at any established places of business and where the selection of the glasses is at the discretion of the purchaser.

SECTION 4. It shall be unlawful for any optometrist, physician or other person doing, or purporting or pretending to do eye examination or visual correction

to receive or accept any rebate, kick-back, reward or premium from any optical company or any other person, firm or corporation dealing in optical goods, appliances or materials, or

knowingly allow or permit any person engaged in or interested in the sale of such optical goods, appliances, or materials, to solicit business for any person licensed under the provisions of Chapters 11 or 13 of Title 59, Oklahoma Statutes.

It shall be unlawful for any optometrist, physician, or other person to make an eye examination, or do visual correction in any manner, either directly or indirectly as an employee or associate of a person, firm, corporation, lay body, organization, group or lay person and

it shall be likewise unlawful for any corporation, lay body, organization, group or lay person in any manner to make an eye examination or perform any visual correction through the means of engaging the services on a salary, commission or any other compensatory basis of a person licensed under the provisions of Chapters 11 or 13 of Title 59, Oklahoma Statutes 1941,

> provided that this sentence shall not apply to the University of Oklahoma School of Medicine and Hospitals, or to a bona fide resident physician of a licensed hospital.

No person, firm, or corporation engaged in the business of retailing merchandise to the general public shall rent space, sublease departments, or otherwise permit any person purporting to do eye examination or visual care to occupy space in such retail store.

Nothing in this Section shall prohibit a person licensed under Chapter 11 or Chapter 13 of Title 59, Oklahoma Statutes, from organizing or maintaining a professional association with other persons licensed.

SECTION 5. No department, commission, board, official, employment, or agency of the State of Oklahoma, or of any county, municipality or other subdivision of the State of Oklahoma shall, in the performance of its duties and functions in obtaining examination for refractions and visual training or correction for citizens of this State discriminate between persons licensed to perform examination for refraction and visual training or correction within the field for which their respective license entitle them to practice; and

no such department, commission, board, official or agency of the State, county, municipality, or other subdivision shall send any resident of the State of Oklahoma out of this State to receive or be furnished such services.

This Section shall have no application with respect to any person confined in the University Hospitals.

SECTION 6. Any person, firm, company, corporation, or partnership violating any of the provisions of this Act shall be guilty of a misdemeanor and upon conviction thereof shall be punished for each such offense, as provided by law, and in addition thereto may be enjoined by a Court of competent jurisdiction for any further violations of the provisions of this Act.

It shall be the mandatory duty of the county attorneys of the respective counties to bring such injunction suits when a verified complaint is filed with such county attorney alleging any violations of this Act.

This Act shall not supersede other laws, but shall be cumulative to other statutes of the State of Oklahoma.

SECTION 7. If any of the provisions of this Act shall be held by a Court of competent jurisdiction to be inapplicable to a specific person or set of circumstances, the same shall not affect the validity of this Act in regard to other persons or circumstances.

SECTION 8. The provisions of Sections 1, 2 and 6 of this Act shall not extend, limit or affect the legal scope of practice of persons licensed under the provisions of Chapter 14, Title 59, Oklahoma Statutes 1951.